

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: **24-12482**

Caption: Great Bowery, Inc., (Plaintiff-Appellant) v. Consequence Sound, LLC; et al., (Defendant-Appellee)	District and Division: <u>Southern District of Florida</u> Name of Judge: <u>Robin L. Rosenberg</u> Nature of Suit: <u>Intellectual Property</u> <hr/> Date Complaint Filed: <u>03/29/2023</u> District Court Docket Number: <u>9:23-cv-80488-RLR</u> <hr/> Date Notice of Appeal Filed: <u>07/31/2024</u> <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____
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For Appellant:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	Scott Alan Burroughs	247 Water Street St First Floor, New York, New York, 10038	(310) 590-1820 scott@donigerlawfirm.c om

For Appellee:	Attorney Name	Mailing Address	Telephone, Fax, Email
<input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify)	1.C. Cory Mauro 2. Anderson J. Duff	1. 1001 Yamato Road, Suite 401, Boca Raton, Florida, 33431 2. 600 Atlantic Avenue 27th Floor	1. (561)202-1992 Cory@maurolawfirm.c om 2. 646-450-3607 ajd@hoganduff.com

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

Jurisdiction	Nature of Judgment	Type of Order	Relief
<input checked="" type="checkbox"/> Federal Question <input type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant	<input checked="" type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b)	<input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input checked="" type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____	Amount Sought by Plaintiff: \$ _____ Amount Sought by Defendant: \$ _____ Awarded: \$ _____ to _____ Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Granted <input type="checkbox"/> Preliminary <input type="checkbox"/> Denied <input type="checkbox"/> Permanent

24-12482

Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☒ Yes ☐ No
What is the issue you claim is one of First Impression? On what basis a licensee has standing to bring a copyright infringement claim .
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☒ Yes ☐ No
If Yes, provide
(a) Case Name/Statute 17 U.S.C § 501
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
If Yes, provide
(a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☒ Yes ☐ No
If Yes, explain briefly:
The Ninth and Second Circuits have addressed the standing issue using a different approach than the District Court here.
- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:
1. Whether the district court erred by finding no standing under 17 U.S.C. § 501(b);
2. Whether the district court erred by denying Annie Leibovitz's request to intervene in the case as mandated by 17 U.S.C. § 501(b); and
3. Whether the district court erred by failing to credit a subsequent agreement between Great Bowery and Annie Leibovitz related to standing.

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND

SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 16 DAY OF August, 2024.

Scott Alan Burroughs

NAME OF COUNSEL (Print)



SIGNATURE OF COUNSEL